

SAGASER, JONES & HAESY

2445 Capitol Street, 2nd Floor
Post Office Box 1632
Fresno, California 93717-1632

Telephone: (559) 233-4800

Facsimile: (559) 233-9330

Howard A. Sagaser #072492

Melody A. Hawkins #226522

Attorneys for: Defendant/Cross-Complainant Sean Gahan

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA - FRESNO DIVISION

OPTISTREAMS, INC.

Plaintiff(s),

v.

SEAN GAHAN and DOES 1-25

Defendant(s).

SEAN GAHAN

Counter-Claimant

v.

OPTISTREAMS, INC., JON HAUGAN,
an individual, and ALISON HAUGAN, an
individual

Counter-Defendant.

Case No.1: 05-cv-00117 REC SMS

**STIPULATION AND ORDER FOR
FILING FIRST AMENDED
COUNTER-CLAIM FOR DAMAGES**

**NOTE: First Amended Counter-Claim
must now be e-filed by counsel.**

It is hereby stipulated by and between David A. Roberts of Caswell, Bell & Hillison, attorneys for Plaintiff and Counter-Defendant OptiStreams, Inc. and Howard A. Sagaser of Sagaser, Jones & Haesy, Attorneys for Sean Gahan, that Defendant and Counter-Claimant Sean Gahan may file the first amended counter-claim attached hereto as Exhibit "A". By stipulating to the filing of the first amended counter-claim, OptiStreams, Inc. is not agreeing with any of the allegations set forth in the first amended counter-claim and is

1 reserving all rights to respond to the counter-claim in any manner allowed under the Federal
2 Rules of Civil Procedure.

3 DATED: August 16, 2005.

4 CASWELL, BELL & HILLISON

5
6 By: /s/ David A. Roberts
7 David A. Roberts, Attorneys for
8 Plaintiff/Counter-Defendant OptiStreams,
Inc

9 DATED: August 4, 2005.

10 SAGASER, JONES & HAHESY

11
12 By: /s/ Howard A. Sagaser
13 Howard A. Sagaser, Attorneys for
14 Defendant/Counter-Claimant Sean Gahan

15 **ORDER**

16 Upon reading the stipulation of the parties, it is hereby ordered that Sean Gahan
17 may file the first amended counter-claim as set forth in attached Exhibit "A" and that
18 OptiStreams, Inc. shall have 20 days from the service of the first amended counter-claim to
19 respond to the first amended counter-claim. With respect to John Haugan and Alison Haugan,
20 those parties shall have 20 days after service of the first amended counter-claim to file a
21 response as provided in Rule 12 of the Federal Rules of Civil Procedure.

22
23 DATED: 8/23/2005

24
25 /s/ Sandra M. Snyder
26 Honorable Sandra M. Snyder, Magistrate
27 Judge United States District Court, Eastern
28 District of California